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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,166	12/18/2001	Kazuo Oki	1422-0511P	9271
2292	7590	03/10/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			BOYER, CHARLES I.	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/020,166

**Applicant(s)**

OKI ET AL.

**Examiner**

Charles I Boyer

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/01/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Before citing the references against the present claims, the examiner would like to state for the record that due to the inordinate breadth of the present claims, requiring only a builder particle containing well known builder ingredients, the examiner maintains that a thorough search is impossible. Zeolites, sodium carbonate, and polyacrylates are among the most common builders known, present in literally thousands of detergent compositions. While zeolites containing alkaline earth metals are much less common, these are only optional ingredients of the present invention. The examiner has taken into consideration the present invention as a whole, in order to identify the closest prior art, which art is cited below. Applicants should be aware however, that there are many other references that could have been cited against the present invention. Any response from applicants to the references cited below that does not also address the fact that their claims are extremely broadly written, together with a clear statement of what applicants consider to be the novelty of their invention, would likely not be successful in rendering those claims allowable.

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2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Dorset et al, US 5,756,445.

Dorset et al teach granular laundry detergents, an example of which is a spray dried powder comprising zeolite A, acrylic/maleic copolymer, and sodium carbonate (col. 12, example 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

3. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Jolicoeur, US 5,178,798.

Jolicoeur teach granular laundry detergents, an example of which contains a builder granule comprising zeolite A, sodium polyacrylate, and sodium carbonate (col. 15, example IV). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to the base particles being "obtainable by" spray drying, where a product by process claim is rejected over a prior art product that appears to be identical, although produced by a different process, the burden is upon applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product. *In re Best*, 562 F.2d 1252, 195 USPQ 430 (CCPA).

4. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Clayton et al, US 5,009,804.

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Clayton et al teach granular laundry detergents, an example of which is a spray dried powder comprising zeolite A, sodium sulphate, and sodium polyacrylate (col. 20, example 2). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

5. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahmed et al, US 5,423,997.

Ahmed et al teach granular dishwashing detergents, an example of which is a spray dried powder comprising zeolite A, sodium polyacrylate, and sodium carbonate (col. 14, table I). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

6. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Steltenkamp et al, US 4,715,862.

Steltenkamp et al teach granular laundry detergents, an example of which is a spray dried powder comprising zeolite A, sodium polyacrylate, and sodium carbonate (col. 5, example 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

7. Claims 1-10 are rejected under 35 U.S.C. 102(a) as being anticipated by Larson et al, WO 00/18872 (see US equivalent 6,468,957).

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Larson et al teach granular laundry detergents, an example of which contains a builder granule comprising zeolite A, sodium sulfate, acrylic/maleic copolymer and sodium carbonate (col. 21, table 2). As this reference meets all material limitations of the claims at hand, the reference is anticipatory. With respect to the base particles being "obtainable by" spray drying, where a product by process claim is rejected over a prior art product that appears to be identical, although produced by a different process, the burden is upon applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product. *In re Best*, 562 F.2d 1252, 195 USPQ 430 (CCPA).

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy, US 4,379,080.

Murphy teaches granular detergent compositions (see abstract). An example of such a composition comprises zeolite A, sodium carbonate, sodium sulfate, and a polyacrylamide/acrylate wherein the granular compositions are prepared by spray drying an aqueous slurry (col. 11, example II and col. 3, lines 9-20). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

### **Conclusion**

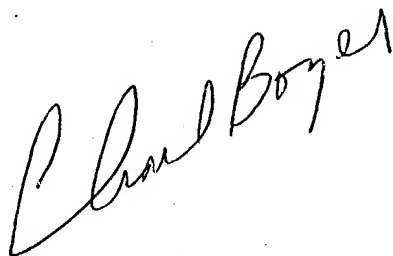
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References EP 1,104,806 and US 6,376,453 are cumulative to the references cited above.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Charles I Boyer". The signature is written in a cursive, flowing style with a large initial "C".

Charles I Boyer  
Primary Examiner  
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